

REMARKS

Claims 1-36 are pending in this case. Reexamination and reconsideration are respectfully requested for claims 1-36.

Rejection under 35 U.S.C. 102(a)

A single reference must present each element to establish a prima facie case of anticipation. MPEP §2131.

Claims 1-7, 13, 16-20, 23-29, 34 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Horton et al. (US 6,041,222).

The present invention is directed to a communication device that comprises a tunable oscillator for producing a reference signal, a receiver configured to recover an information signal from a carrier using the reference signal, and a processor to detect a frequency error in the information. Additionally, the processor may either periodically tune the oscillator to reduce the frequency error or the processor may tune the oscillator if the frequency error crosses a threshold.

Also, the present invention is directed to a method of communications comprising: recovering an information signal from a carrier using a reference signal, detecting a frequency error in the information signal, and tuning the reference signal to reduce the frequency error.

In contrast, Horton et al. does not teach to detect the frequency error. Horton et al. teaches to actively alternate between operation in a GPS mode and a wireless transceiver mode without detecting a frequency error in the information signal.

Thus, Applicant submits that Claims 1-7, 13, 16-20, 23-29, 34 and 36 are not anticipated by Horton et al., and withdrawal of the 35 U.S.C. 102(b) rejection based thereon is respectfully requested.

Rejection under 35 U.S.C. 103

To establish a prima facie case of obviousness, all the claim limitations must be taught by the prior art and there must be some suggestion or motivation for the combination of references. MPEP §2142.

Claims 8-10, 14-16, 30-32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horton et al. (US 6,041,222) in view of Justice et al. (US 6,424,229).

As mentioned earlier, Horton et al. and Horton et al. in view of Justice et al. do not teach to detect a frequency error in the information signal. Thus, Horton et al. in view of Justice et al. do not establish a prima facie case of obviousness.

It is therefore respectfully submitted that claims 8-10, 14-16, 30-32 and 35 define a patentably distinct invention, and withdrawal of the 35 U.S.C. 103(a) rejection based on Horton et al. in view of Justice et al. is kindly requested.

CONCLUSION

In view of the foregoing, Applicant respectfully requests that the Examiner reconsider the outstanding rejections and that these rejections be withdrawn. It is believed that a complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is invited to telephone the undersigned at the number provided.

Applicant therefore respectfully requests that a timely Notice of Allowance be issued in this case.

If there are any fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Dated: October 2, 2006

By: /Andrea L. Mays/
Andrea L. Mays
Attorney for Applicant
Registration No. 43,721

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121-2779
Telephone: (858) 651-8546
Facsimile: (858) 658-2502